

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

BRENT RAY BREWER,	§	
	§	
Petitioner,	§	
	§	
v.	§	Civil Action No. 2:15-CV-50-Z-BR
	§	
LORIE DAVIS, Director,	§	
	§	
Respondent.	§	

ORDER

The matters before the Court are (1) Respondent's unopposed motion for leave to file excessive pages, filed July 14, 2020 (ECF No. 111), and (2) the absence of a complete record of Petitioner's state court records from the record in this federal habeas corpus proceeding.

Motion for Excessive Pages

Respondent's unopposed motion for leave to file an answer not to exceed 160 pages, filed July 14, 2020 (ECF No. 111), will be granted.

Filing of State Court Records

The record in this cause does not currently include any records from Petitioner's 1991 capital murder or complete records from Petitioner's 2009 retrial as to punishment. While some records relating to Petitioner's direct appeals and multiple state habeas corpus proceedings are included in the record, complete records from those proceedings are not presently before this Court. The Court will direct Respondent to furnish all relevant state court records. Previously, Respondent was directed to file a complete set of the records from Petitioner's most recent state habeas corpus proceeding, i.e., WR-46,587-03. The deadline for doing so had not yet arrived.

Accordingly, it is hereby ORDERED that:

1. Respondent's unopposed motion for leave to file an answer not to exceed 160 pages (exclusive of table of contexts, table of authorities, and any indexes), filed July 14, 2020 (ECF No. 111), is **GRANTED**.

2. On or before sixty days from the date of this Order, Respondent shall submit to the Clerk of Court the following state court records:

(a) A complete record of all pleadings, motions, orders, or other documents filed in connection with Petitioner's original state trial court proceedings;

(b) A complete verbatim transcription of all testimony and all documents introduced into evidence during the guilt-innocence or punishment phases of Petitioner's original 1991 state capital murder trial (i.e., it unnecessary for this Court to review the jury selection phase of Petitioner's 1991 trial court proceeding);

(c) A complete set of all state court records filed in connection with the direct appeal from Petitioner's original conviction and initial sentence, i.e., AP-71,307, including a complete copy of the Texas Court of Criminal Appeals' unpublished opinion affirming Petitioner's conviction and sentence;

(d) A complete set of all state court records filed in connection with Petitioner's initial state habeas corpus proceeding, i.e., WR-46,587-01, including the state trial court's findings of fact, and conclusions of law, a verbatim transcription of any evidentiary hearing or hearings held in connection with proceeding, and the Texas Court of Criminal Appeals' orders addressing same;

(e) A complete set of all pleadings, motions, orders, or other documents filed in connection with Petitioner's 2009 state court proceedings in his retrial on punishment (copies

of the juror questionnaires, if any, completed by Petitioner's 2009 jury venire shall be submitted separately under seal);

(f) A complete set of the verbatim transcription of all proceedings before the state trial court and all documents admitted into evidence during Petitioner's 2009 retrial, including voir dire examination and all testimony given during Petitioner's 2009 retrial;

(g) A complete set of all state court records filed in connection with the direct appeal from Petitioner's 2009 judgment and sentence, i.e., AP-76,378;

(h) A complete set of all state court records filed in connection with Petitioner's second state habeas corpus proceeding, i.e., WR-46,587-02, including the state trial court's findings of fact, and conclusions of law, a verbatim transcription of any evidentiary hearing or hearings held in connection with proceeding, and the Texas Court of Criminal Appeals' orders addressing same.

3. The state court records identified above shall be submitted in CD or DVD format; any sealed or encrypted records shall be submitted along with accompanying documentation sufficient to permit the Clerk to open and examine the sealed or encrypted state court records.

SIGNED July 17, 2020.



LEE ANN RENO
UNITED STATES MAGISTRATE JUDGE